

REMARKS

In the Office Action mailed August 25, 2004, the Examiner noted that claims 1-17 and 19-26 were pending, that claim 18 has been withdrawn from consideration, allowed claims 9, 10, 22 and 23, objected to claims 25-26 and rejected claims 1-8, 11-17, 19-21 and 24-26. Claims 1-17 and 19-26 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

On page 2 of the Action the Examiner rejected claims 5-8, 16, 21, 25 and 26 under 35 U.S.C. section 112, paragraph 1 for failure to comply with the written description requirement. This issue was discussed with the Examiner during an interview of December 16, 2004 and has been addressed. Withdrawal of the rejection is requested.

On page 3 of the Action the Examiner objected to claims 25 and 26 and this issue has also been addressed.

In the Action the Examiner rejected the non-allowed claims over Kamitani or Kamitani with Tanaka. In the interview noted above, it was pointed out to the Examiner that Kamitani compares "feature shape" while the present invention compares an "amount" or physical quantity, or number or physical size. The Examiner recognized that comparing an amount is different than comparing a shape. Tanaka does not compare an amount. Withdrawal of the rejection is respectfully requested.

If any additional concerns arise, the Examiner is invited to telephone the undersigned.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that claims 9, 10, 22 and 23 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

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If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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